**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.**

**Writ Petition No. 1053 (S/S)07**

Tara Chandra Shah S/o Sri Udai Lal Shah,
Clerk cum Cashier (Branch In-charge),
Lamgara Branch.
District Cooperative Bank Ltd. Almora. ----Petitioner.

Vs.

1. Secretary/General Manager,
   District Cooperative Bank Ltd. Almora,
2. Sri. R.C. Binwal,
   Dy. General Manager (Administration),
   District Cooperative Bank Ltd.,
   Head Office, Almora ---Respondents.

Sri Manoj Tewari, learned counsel for the petitioner.
None for respondents.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Manoj Tewari, learned counsel for the petitioner. None is present for the respondents.

By means of this writ petition, the petitioner has challenged the impugned transfer order dated 30.07.2007 (annexure no. 7, so far as it relates to the petitioner) passed by the respondent no.1 i.e. the Secretary/General Manager, District Cooperative Bank Ltd., Almora by which the petitioner who is working as In-charge Branch Manager of the Bank has been transferred to Dwarahat Branch of the Bank on administrative ground.

The impugned transfer order has been assailed by the petitioner firstly; on the ground that the petitioner has

submitted an application to the Secretary/General Manager of the Bank on 18.07.2007 by which he sought one days casual leave i.e. for 21.07.2007, but due to inadvertent oversight, the expression "सेवा में" was not written by the petitioner in his application to which the respondent no. 2 made an issue. Secondly; according to the transfer policy of the Bank, an employee can be transferred from one Branch to another only after completion of four years at one Branch and that too after inviting options from the employee concerned for three at least places of his/her choice but the petitioner who has joined the present Branch only in the month of August 2006, has been transferred on administrative ground which is in violation of the transfer policy occupied by the Bank. Lastly, the Lamgara Branch has made rapid strides during the tenure of the petitioner as In-charge Branch Manager of the Bank and has won appreciation of respondent no. 1, therefore it cannot be said that there was any deficiency or shortcoming in the work and performance on the part of the petitioner.

Although, in support of the assertions made in writ petition the petitioner has annexed annexure no. 5 & 6 to the writ petition with the submission that under the stewardship of the petitioner, the Lamgara Branch of the Bank has given excellent results in favour of the Bank but, in my opinion, in absence of pleadings in rebuttal nothing can be observed about the genuineness of the documents, however the petitioner may prefer representation before the authority concerned for redressal of his grievances.

Thus, without entering into the merits of the case, I direct the petitioner to move representation, raising all his grievances, before the Registrar, Cooperative Societies, Uttarakhand,

Dehradun within a week from today. In case, the petitioner complies with the orders of this Court, the Registrar, Cooperative Societies, Dehradun, shall decide the representation of the petitioner, if any, by passing a speaking order within a period of two weeks from the date of production of representation alongwith a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J.)**

August 10, 2007:

NCM: